

Changes to the Court of Appeals Miscellaneous Fee Schedule

Outlined below are changes to fees included in the Court of Appeals Miscellaneous Fee Schedule that were approved by the Judicial Conference at its March 2001 session, or by prior Conference action that was contingent upon passage of legislation permitting the judiciary to retain any increase. The Federal Courts Improvement Act of 2000, P.L. 106-518 (Nov. 13, 2000, 114 Stat. 2410) included such a provision. These changes will become effective on July 1, 2001.

Fee for Reproduction of Recordings

This fee was modified to account for changes in technology that have occurred since the fee was originally established. Many courts today record proceedings using digital equipment rather than magnetic tape recordings. Members of the public requesting reproductions of recordings would prefer that the recording be provided on or through media other than cassette or reel-to-reel. This fee has been expanded to remove the reference to a particular medium. In addition, in order to be consistent with the principle of encouraging government users to utilize electronic access when available and avoid burdening the clerks' offices with requests, the exemption for federal agencies from the payment of this fee is eliminated for reproduction of recordings of proceedings, when the record is available through a court's Case Management/Electronic Case Files (CM/ECF) system.* The amount of the fee (\$20) remains the same.

Archived Record Retrieval Fee

In September 1997, the Judicial Conference approved an increase from \$25 to \$35 for the fee for retrieval of a record from the Federal Records Center, National Archives, or other storage location removed from the place of business of the court, contingent upon enactment of legislation to permit the judiciary to keep the increased amount. Such a provision was included in the Federal Courts Improvement Act of 2000. Therefore, the archive retrieval fee will increase to \$35.

Local Rules

This fee was modified to reflect current technologies by removing the term "printing" and replacing it with the word "providing" to allow courts to provide electronic copies of local rules. As stated in the language of the fee item, courts may still opt to provide local rules without charge.

Electronic Public Access Fees

The fees for electronic public access have been removed from the miscellaneous fee schedules for each court unit and have been included in a new Fee Schedule for Electronic Public Access. Information regarding this new schedule and other Judicial Conference action with respect to electronic public access fees has been sent by separate memorandum dated April 30, 2001.

*Currently, there are very few courts that provide this information electronically.

Court of Appeals Miscellaneous Fee Schedule*

Following are fees to be charged for services to be performed by clerks of the courts of appeals. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 2, 4 and 5. No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A, and Bankruptcy Administrator programs.

- (1) For docketing a case on appeal or review, or docketing any other proceeding, \$100. A separate fee shall be paid by each party filing a notice of appeal in the district court, but parties filing a joint notice of appeal in the district court are required to pay only one fee. A docketing fee shall not be charged for the docketing of an application for the allowance of an interlocutory appeal under 28 U.S.C. § 1292(b), unless the appeal is allowed.
- (2) For every search of the records of the court and certifying the results thereof, \$20.
- (3) For certifying any document or paper, whether the certification is made directly on the document, or by separate instrument, \$7.
- (4) For reproducing any record or paper, \$.50 per page. This fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records.
- (5) For reproduction of recordings of proceedings, regardless of the medium, \$20, including the cost of materials. This fee shall apply to services rendered on behalf of the United States, if the reproduction of the recording is available electronically.
- (6) For reproduction of the record in any appeal in which the requirement of an appendix is dispensed with by any court of appeals pursuant to Rule 30(f), F.R.A.P., a flat fee of \$55.
- (7) For each microfiche or microfilm copy of any court record, where available, \$4.
- (8) For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$35.
- (9) For a check paid into the court which is returned for lack of funds, \$35.
- (10) Fees to be charged and collected for copies of opinions shall be fixed, from time to

*Issued in accordance with 28 U.S.C. § 1913.

time, by each court, commensurate with the cost of printing.

- (11) The court may charge and collect fees commensurate with the cost of providing copies of the local rules of court. The court may also distribute copies of the local rules without charge.
- (12) The clerk shall assess a charge for the handling of registry funds deposited with the court, to be assessed from interest earnings and in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.
- (13) Upon the filing of any separate or joint notice of appeal or application for appeal from the Bankruptcy Appellate Panel, or notice of the allowance of an appeal from the Bankruptcy Appellate Panel, or of a writ of certiorari, \$5 shall be paid by the appellant or petitioner.